

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

OAKLEY, INC.,

Plaintiff,

v.

THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A,"

Defendants.

Case No. 21-cv-00536

Judge Matthew F. Kennelly

Magistrate Judge Beth W. Jantz

Declaration of Justin R. Gaudio

DECLARATION OF JUSTIN R. GAUDIO

I, Justin R. Gaudio, of the City of Chicago, in the State of Illinois, declare as follows:

1. I am an attorney at law, duly admitted to practice before the Courts of the State of Illinois and the United States District Court for the Northern District of Illinois. I am one of the attorneys for Plaintiff Oakley, Inc. (“Plaintiff” or “Oakley”). Except as otherwise expressly stated to the contrary, I have personal knowledge of the following facts and, if called as a witness, I could and would competently testify as follows:
2. Exhibit 1 attached hereto is a true and correct copy of the January 24, 2020 report titled *Combating Trafficking in Counterfeit and Pirated Goods* prepared by the U.S. Department of Homeland Security, Office of Strategy, Policy & Plans.
3. I, or someone acting under my direction, have reviewed the storefronts and product listings for the Seller Aliases, and have confirmed that none list any contact information or correspond to any type of identifiable entity.
4. I, or someone acting under my direction, have reviewed the item titles for the Seller Aliases and have found that many of the item titles used by the Seller Aliases are nearly identical or very similar to one another.
5. I, or someone acting under my direction, have reviewed Exhibit 1 to the Complaint [3]. A comparison of the Oakley Sutro sunglasses, the design of which is covered by the Oakley Design, and a representative sample of the sunglasses offered for sale by Defendants as shown in Exhibit 1 to the Complaint [3] is below.

Oakley Sutro Sunglasses	Defendants' Infringing Products

The above genuine Oakley Sutro Sunglasses offered for sale on Oakley's website can be found here: <https://www.oakley.com/en-us/product/W0OO9406?variant=888392404824>.

6. Exhibit 2 attached hereto is a true and correct copy of Jon Emont, *Amazon's Heavy Recruitment of Chinese Sellers Puts Consumers at Risk*, Wall St. J. 1-2 (Nov. 11, 2019).
7. Exhibit 3 attached hereto is a true and correct copy of excerpts from Fiscal Year 2018 U.S. Customs and Border Protection (“CBP”) Intellectual Property Seizure Statistics Report.
8. Exhibit 4 attached hereto are true and correct copies of unpublished authorities or authorities that are only published on an electronic database cited in Plaintiff's Memorandum Establishing that Joinder is Proper.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this the 3rd day of February 2021 at Chicago, Illinois.

/Justin R. Gaudio/

Justin R. Gaudio

Counsel for Plaintiff Oakley, Inc.